

ENTERED

June 22, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

RICARDO SARLI,

Petitioner,

VS.

LORIE DAVIS,

Respondent.

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CIVIL ACTION NO. 2:16-CV-238

OPINION AND ORDER OF TRANSFER

This is a habeas action filed by a state prisoner incarcerated at TDCJ-CID's Connally Unit in Kenedy, Texas (D.E. 1). Petitioner challenges a 1993 conviction and twenty-year sentence for possession of a controlled substance and possession of firearms imposed by the 341st District Court of Webb County, Texas (*Id.*).

A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); Wadsworth v. Johnson, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is in Karnes County, in the San Antonio Division of the Western District of Texas, 28 U.S.C. § 124(d)(4), and he was convicted by a court located in the Laredo Division of the Southern District of Texas. 28 U.S.C. § 124(b)(3). His case has no apparent connection to the Corpus Christi Division, except it appears that prior to filing his petition Petitioner was incarcerated in Bee County, Texas.

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have

been brought. 28 U.S.C. §§ 1404(a) and 1406(a). A habeas application may be transferred in furtherance of justice to the district court within which the State court was held which convicted and sentenced the petitioner. 28 U.S.C. § 2241(d). Because petitioner was convicted in Webb County, it is more convenient and would further the interests of justice for this action to be handled in the Laredo Division of the Southern District of Texas. The records of his conviction, the prosecutor and defense lawyer, and the witnesses are all located in the Laredo Division of the Southern District of Texas.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Southern District of Texas, Laredo Division. All pending motions are denied as moot and subject to renewal after the case is transferred.

ORDERED this 22nd day of June, 2016.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE